

MICHAEL GAINES, Bar No. 50553
Attorney at Law
255 Kansas Street, Suite 340
San Francisco, CA 94103
(415) 495-0112

Attorney for Defendant
SANG HUN PARK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,) NO. CR-05-00447 CRB
Plaintiff,)
vs.) REQUEST, STIPULATION AND
SANG HUN PARK,) ORDER
Defendant.)

This matter is currently on the Court's calendar for July 26, 2006. Through counsel, Defendant Sang Hun Park and the United States ask the Court to (a) vacate the July 26, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of August 16, 2006 for change of plea and (c) exclude time under the Speedy Trial Act, 18 U.S.C. section 3161 from July 26, 2006 to August 16, 2006.

1. The parties are currently working out the language of a plea agreement and request that the Court set the matter for August 16, 2006 for change of plea.

2. The parties agree that the time between July 26, 2006 and August 16, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. section 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration consequences of a plea. That matter needs a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. section 3161(h)(8)(B)(iv). The parties also

1 agree the ends of justice are served by excluding the period from July 26, 2006 to August 16, 2006
2 outweigh the interest of the public an the defendant in a Speedy Trial. See id. section 3161(h)(8)(A0.

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4 STIPULATED:

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6 DATED : July 21, 2006

/S/ Michael Gaines

7 MICHAEL GAINES, Attorney for Sang Hung Park

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9 DATED : July 21, 2006

/S/ Peter Axelrod

10 PETER AXELROD

11 Assistant United States Attorney

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13 ORDER

14 _____For good cause shown, and for the reasons stated above, the Court (a) vacates the July 26,
15 2006, hearing date for defendant Sang Hung Park based on the anticipated plea agreement, (b) sets
16 the matter for a change of plea on August 16, 2006 at 2:15 p.m., and (c) excludes time under the
17 Speedy Trial Act, 18 U.S.C. section 3161 from July 26, 2006 to August 16, 2006. The Court finds
18 that the failure to grant the requested exclusion would deny defense counsel reasonable time
19 necessary for effective preparation taking into account the exercise of due diligence, Further, the
20 Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. section
21 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested
22 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the
23 prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time

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1 should be made under 18 U.S.C. sections 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

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4 DATED : July 25, 2006

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